

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Jose Adames

MEMO ENDORSED

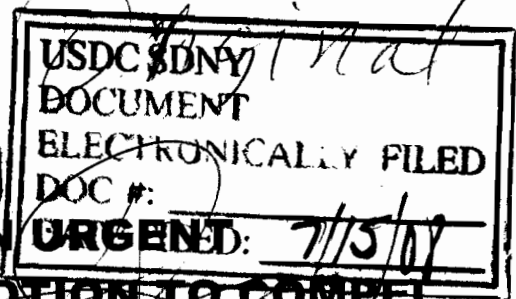
Plaintiff

- against -

**Michael Bloomberg,
The Dominican Mission to the United
Nations**

Defendants

08 CV 3804(LAK)(THK)



**AN URGENT: 7/15/08
MOTION TO COMPEL
SIGNING DEFAULT ON
SUMMARY JUDGMENT**

Letter

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**THE CONSTITUTION OF THE UNITED STATES
FEDERAL RULES OF CIVIL PROCEDURES**

**RULE 55. Default. Pursuant to Local Rule 10 and Rule 56. Summary
Judgment, and Local Civil Rule (3) (2) and (g).**

**TO: HONORABLE LEWIS A. KAPLAN;
RULE 81 MANDAMUS TO COMPEL**

**1443, 1446, 1447; Against person suit and prosecution on
Civil Rights denied; also, 825 M(b) Mandamus to Compel
Under U.S.C. Title 19 and 28.**

ARTICLE 78 PROCEEDING

**CIVIL PRACTICE LAW AND RULES C7801:3. Mandamus. Mandamus
to Compel.**

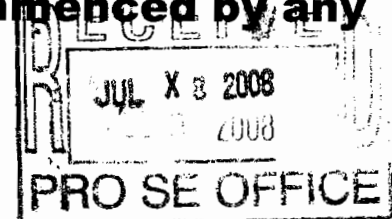
TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

1343. Civil rights and election franchise.

**(a) The district courts shall have original jurisdiction of any
civil action authorized by law to be commenced by any
person.**

(1) To recover damages for injury

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(2) To recover damages from fails to prevent or to aid in preventing any wrong....

(3) To redress the deprivation, under color of any state law, status, ordinance, regulation, custom or usages, of any right, privilege, or impunity secured by the constitution of the United States or by any Act of Congress providing for equal rights of citizens or all person within the jurisdiction of the United States.

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights.....

1344. Elections disputes

The districts court shall have original jurisdiction on any civil action to recover possession of any office.....

1361. Action to compel an officer of the United States to perform his duty.

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer To perform duty owed to the plaintiff.

ADMINISTRATIVE LAW AND PROCEDURE . CIVIL RIGHTS. CONSPIRACY.

(A) ACTS CONSTITUING CONSPIRACY AND LIABILITY

The court must request that the contempt be prosecuted by an attorney for the government.

13. false answer as contempt

1826(a) see 13.5 gives the court power to punish for contempt ... also when the witness (counsel) gives false or evasive answers....

ELECTION LAW

17-152. Conspiracy to promote or prevent election.

17-154 Improper use of media support.

17-158 A corrupt use of position or authority.

CHAPTER 1. CODE OF CONDUCT FOR UNITED STATES JUDGES. INTRODUCTION.

CANON 1. A judge should uphold the integrity and independence of the judiciary.

CANON 3. The judge should perform the duties of the office impartially and diligently.

CANON 7. A judge should refrain from political activity.

INTRODUCTION – TO COMPLY WITH THE CODE

CANON 1. The integrity of the judge depend on turn upon their acting without fear or favor, they should comply with the law and provision of the code.

CANON 2. A judge should not allow family, social, or other relationship to influence judicial conduct or judgment.

A judge should not lend the prestige of the judicial office to advance the private interest of other, nor leave or permit others to convey the impression that they are in special position to influence the judge.

THE CONSTITUTION. ARTICLE 1. BILL OF RIGHTS

Section 1. Rights and privileges secured. Uncontested primary elections.

No member of the states shall be disfranchised or deprived of any rights or privileges secured to any citizens thereof..

ARTICLE 1 & 9 Section 11. [equal protection of laws, discrimination in civil right prohibited]

ARTICLE 1 & 11 Section 272. Fair Trial

All person before the court are to be accorded similar rights. Erdt v. Erdt 1974 77Misc. 2d 236. 363 N. Y. S. 2d 606

ARTICLE 2. Section 10.

Justice to be administered without favor and speedy.

ARTICLE 30. Section 124. PUBLIC INTEREST.

TITLE 42- THE PUBLIC HEALTH AND WELFARE

Section 1988. Proceeding and vindication of civil rights

(a) Applicability of Statutory and Common Law.

The jurisdiction in civil and criminal matters conferred on the district court.

Also, Title 18-CRIMES AND CRIMINAL PROCEDURE. Chapter 79. PERJURY 1621. Perjury Generally. (2)

TITLE 28—SELECTIVE PROVISION.

144. Bias or prejudice of judge.

HONORABLE LEWIS A. KAPLAN;

Please, stop Mr. Bloomberg from continue involving the court in this discriminating, corruptive and illegal game; possible, the most shameful political period of our beloved New York City.

Why we have to kneel in from of somebody, just because he is rich ?

A well exposed political thief, in conspiracy, illegally acting as a mayor (mis-representation) already for three strait years.

As can be seen from the foregoing, we and the City of New York, have no adequate remedy at law.

Please, take notice that, after the previous Motions and Memorandums submitted, and the last Affidavit on answer to the Motion to Dismiss; and in view that, the only two submission from defendants have been done in a Bad Faith and for the solely purpose of delay; and that after the “ 20 days ” giving as per courts regulations, plus “ 50 days ” in default, a total of “ 70 days ” in a virtual default; and defendants hasn't move to challenge any of the evidences, statements or facts submitted.

Also, Mr. Bloomberg continue hurting us, by no returning any of the stolen money and properties; also no compensation at all, for all the damages and harassment, during the last three years and continue.

**All the political repression and violations to our Civil Rights and violations to the Accommodation Law, etc; still up to today; not even to recognize the ongoing.
He continue showing like, he is above The Constitution and the law.**

In view of all the previous.

WE RESPECTFULLY move the court to the urgent signing of the Default on Summary Judgment.

**Dated : New York, New York
July 8, 2008**



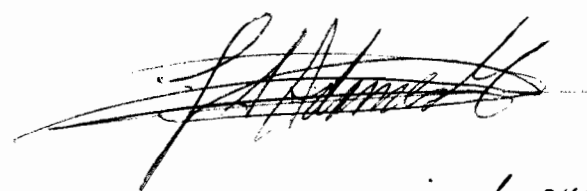
**Pro-se Jose Adames
641 West 207 Street 1A
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(718) 825 - 3036**

MEMO ENCLOSED

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**Cc: Janice Silverberg
NYC Law Department
100 Church Street, Room 2-182
New York, N.Y. 10007**

**Cc: The Dominican Mission to the U.N.
144 East 44th Street 4th floor
New York, N.Y. 10047**



The Court previously ruled that Defendants are not in default. Indeed, they have filed a motion to dismiss pursuant to a schedule set by the Court. Accordingly, the Motion to Compel Signing Default or Summary Judgment (Docket # 13) is denied. Plaintiff's response to the motion to dismiss is due today.

*So ordered.
Thore H. 1/5/08*

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TO COUNSEL OF RECORD ON

7/15/08

7/15/08 USMJ